

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



REC'D 30 MAR 2005
WIPO PCT

Applicant's or agent's file reference SP1136 EG/sc	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA416	
International application No. PCT/EP2004/007551	International filing date (day/month/year) 09.07.2004	Priority date (day/month/year) 23.07.2003
International Patent Classification (IPC) or national classification and IPC A43C15/16, B60C11/16, A43B13/26		
Applicant BESTGRIP S.R.L. et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☒ sent to the applicant and to the International Bureau a total of 1 sheets, as follows:
    - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☐ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand  23.12.2004	Date of completion of this report  24.03.2005
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Vesin, S  Telephone No. +49 89 2399-7489 

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

4 (part), 5-15 as originally filed

1-3, 4 (part) received on 23.12.2004 with letter of 20.12.2004

**Drawings, Sheets**

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application,

☐ claims Nos.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 1-15

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

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**Box No. IV Lack of unity of invention**

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1. ☒ In response to the invitation to restrict or pay additional fees, the applicant has:
- ☐ restricted the claims.
  - ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☒ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
  - ☐ the parts relating to claims Nos. .

**Re Item I**

In the incomplete set of claims filed on 20.12.2004 claims 1, 2 and 3 were merged but the other claims 4-17 have not been renumbered. The numbers referred to in the following lines correspond to the claims as if they had been correctly renumbered. Therefore the 15 claims presently on file are numbered 1 to 15 whereby present claims 2 and following correspond to original claims 4 and following.

**Re Items III and IV**

Claim 1 as presently on file is the result of the merging of original claims 1,2 and 3. Since original claims 2 and 3 were not searched in the PCT I phase, no examination of present claim 1 or its dependent claims 2 to 8 will be performed.

Claims 9 to 14 relate to a tool for mounting studs. Said claims have been objected previously in the written opinion during the PCT chapter I phase, because they define a second invention which is not unitary with the first invention claimed in original claims 1, 8-10. Since said tool has not been searched during the PCT chapter I phase, no examination will be performed for present claims 9 to 14.

In addition, claim 15 (original claim 17) does not fulfil the requirements of the PCT with respect to Rule 6.2(a) PCT, since claims shall not rely, in respect of the technical features of the invention, on references to the description or drawings (See Guidelines 5.10).

However, it appears that documents **US 5 897 177 A (D3)** and **US 3 124 191 A (D5)** anticipate, additionally to the subject-matter of original claim 1, also the non searched features of original claims 2 and 3. Therefore both documents anticipate fully the subject-matter of present claim 1. Consequently the application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not novel in the sense of Article 33(2) PCT, see **D3** (claims 1,6; col.3, lines 6-24 and figures 4-6) and **D5** (figure 1, 2 and 7; col.2, lines 3-29).

Note that since the edges of the studs shown in **D3** and **D5** enable the stud to tap in the rubber support, they have implicitly a "cutting" function so that the last features of claim 1 are also shown by those documents.

The subject-matter of present claims 6-8 (corresponding to searched original claims

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8-10), dependent on claim 1, is also known from either **D3** or **D5** (see figures).

EPO - DG 1

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23. 12. 2004

(40)

CLAIMS

1. A self-tapping stud for rubber supports of shoes, tyres and the like, comprising a body presenting a threaded portion fixable into said rubber support and a head which projects from said support when said stud has  
5 been mounted, characterised in that said threaded portion presents a thread provided with a free helical edge which extends along a substantially cylindrical surface;
- ~~2. A self-tapping stud for rubber supports of shoes, tyres and the like, comprising a body presenting a threaded portion fixable into said rubber  
10 support and a head which projects from said support when said stud has been mounted, characterised in that said threaded portion presents a substantially conical or frusto-conical core; AND~~
- ~~3. A self-tapping stud for rubber supports of shoes, tyres and the like, comprising a body presenting a threaded portion fixable into said rubber  
15 support and a head which projects from said support when said stud has been mounted, characterised in that said threaded portion presents a thread provided at its free start with a cutting edge, said cutting edge being orientated with the same inclination as said thread.~~
4. A self-tapping stud as claimed in one or more of the preceding  
20 claims, characterised in that a first thread profile facing the convergent end of the core is substantially perpendicular to an axis of said core.
5. A self-tapping stud as claimed in one or more of the preceding claims, characterised in that a second thread profile facing the body of said core is substantially inclined to an axis of said core.
- 25 6. A self-tapping stud as claimed in one or more of the preceding claims, characterised in that said second profile is inclined at an obtuse